



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF FIRE, EMERGENCY AND BUILDING SERVICES
OFFICE OF STATE FIRE MARSHAL

Policy Directive # 4
Replaces: Directive # 4 dated 9/87 and Policy 97-01
Administered by: OSFM

Date: July 1, 2001
Duration: Until Revised
Authority: Deputy State Fire Marshal

SUBJECT: FIRE/EXPLOSION INVESTIGATION

PURPOSE:

- (1) To describe the services available from the Office of State Fire Marshal (OSFM).
- (2) To establish the procedure for requesting assistance from the OSFM .
- (3) To give emphasis to proper scene management.
- (4) To clarify the relationship with insurance and private investigators.
- (5) To clarify the use of reports generated by the Bureau of Investigation and Enforcement.

DISCUSSION:

The OSFM is dedicated to continuing a long-standing tradition of providing expert origin and cause investigations for fires and explosions. Further, the OSFM, through the Bureau of Investigation and Enforcement, is committed to providing technical assistance and other support to the local fire marshals which enables them in fulfilling their statutory mandate to investigate the cause, origin and circumstances of any fire or explosion within their jurisdiction. (C.G.S. §29-302) It is the purpose of this policy to identify the role of the OSFM in providing assistance to the local fire marshal and to law enforcement agencies in the investigation of fires and explosions.

POLICY:

Requests for Service The OSFM will assist, upon request, any local fire marshal's office or any organized police department within their respective area of responsibility and jurisdiction, in the investigation of a fire or explosion. (C.G.S. §29-310)

Requests for assistance may be initiated during normal business hours by calling the OSFM Bureau of Investigation and Enforcement directly at **860-685-8460**. Requests after business hours should be made to the Department of Public Safety Headquarters Message Center at **1-800-842-0200** (24 hours). Upon notification by the Message Center, the duty sergeant of the Bureau of Investigation and Enforcement will immediately contact the requesting agency to determine the nature of the request and the degree of assistance required.

Provide the Message Center operator with basic information regarding the request.

- ♦ Location of incident
- ♦ Requesting person/agency
- ♦ Identify any injuries or fatalities
- ♦ Phone number for municipal dispatch center
- ♦ Phone number of contact person on scene (if possible)
- ♦ Service level requested

Levels of Assistance. The investigators and supervisors of the OSFM have received specialized training, have extensive experience, and possess the resources to provide the following levels of assistance:

- A. ***Informational Assistance.*** This is intended to provide the local fire marshal or his designee with consultation limited to a specific area of an investigation such as statutory responsibilities and procedural matters, access to outside resources, or other investigative techniques relative to determining the cause and origin of a fire. This level of assistance may be simply providing a second opinion and limited to returning a telephone call to the person or agency requesting assistance or may require the response of an individual member of the Bureau of Investigation and Enforcement to a fire scene.
- B. ***Accelerant Detection.*** A certified accelerant detection canine and handler are available for the purpose of assisting in the search of a fire scene for the presence of an accelerant. This level of response is expected to be limited to the handler working the accelerant detection canine through the fire scene and would not normally require any further Bureau of Investigation and Enforcement assistance in the investigation. The use of an accelerant detection team is intended to supplement the investigation of the local fire marshal.
- C. ***Fire Scene Processing.*** This level of assistance is intended to supplement the investigation of the local fire marshal by providing a response of additional equipment and manpower to the scene of a fire or explosion. The Bureau of Investigation and Enforcement response will include the OSFM fire investigation van and the necessary members of an investigation team. Requested fire scene processing services may include any combination of the following:
 - 1. Assistance in securing the proper consent from property owners for entry into the scene. Standard forms have been prepared for this purpose. Providing affidants for the preparation of administrative warrants pursuant to C.G.S. §29-311 to continue origin and cause investigation activities after a reasonable amount of time has passed. Providing affidants for search and seizure warrants, if necessary.
 - 2. Interviewing and obtaining written statements from property owners, emergency responders, witnesses, and suspects.
 - 3. Collection and identification of items of evidence from the fire scene including fire debris, structural and electrical components, solid and liquid residues and other items for subsequent submission for laboratory analysis.
 - 4. Fire scene photography including Polaroid or digital scene photographs for timely distribution and scene briefing, 35mm color slides and prints, and video recording of the fire scene and investigative activities.
 - 5. Fire scene sketching and mapping including accurate measurements for the preparation of courtroom presentation.
 - 6. Preparation of all reports concerning OSFM activities with respect to individual scene processing activities.
 - 7. Assistance in obtaining additional expert consultation including forensic analysis, forensic electrical engineering, life safety code compliance review, LP-Gas and gas equipment or oil burning equipment code compliance review, and explosives and fireworks expertise.
 - 8. Providing expert court testimony regarding the fire scene processing.

- D. ***Supervision and Direction of Investigation.*** This unusual request is only to be made in those very rare instances when extraordinary circumstances so dictate. *Such a request should be in writing and must receive specific approval from the Deputy State Fire Marshal.* (This may include such times as the local fire marshal is on vacation or out on sick leave.) If approval is given, the Bureau of Investigation and Enforcement will assume overall responsibility for the investigation into the origin and cause of a fire or explosion and will provide the following:
1. Fire Scene Processing. This will include all services identified under the Fire Scene Processing Level of Assistance.
 2. Scene Management and Control. The Bureau of Investigation and Enforcement supervisor will liaison with the local fire marshal, fire chief, police chief, or members of the state police or state's attorney's office. All access to the fire scene will be authorized solely by the Bureau of Investigation and Enforcement supervisor.
 3. Case Management. This will include the preparation of all investigative reports necessary for proper documentation of the origin and cause of the fire or explosion and the reports to supplement any criminal investigation. The OSFM investigators operate within an established, concise and comprehensive investigative reporting system involving crime scenes, evidence handling, written statements, case preparation forms, and supervisory overview.
 4. Public Information. All news releases during the time of the initial investigation will be coordinated by the Bureau of Investigation and Enforcement supervisor on scene. If necessary, media relations may be handled by the Department of Public Safety, Public Information Officer.
- E. ***Arson Case Preparation.*** The OSFM, Bureau of Investigation and Enforcement detectives have received specialized training and experience in the identification, collection and preservation of physical evidence, and the investigation of the crime of arson. The Bureau of Investigation and Enforcement will work closely with and advise any State's Attorney, local police department or any state police troop or unit in the investigation of such crimes. This level of assistance is intended to supplement the activities of the local investigators, therefore the overall responsibility for the investigation remains at the local or troop level.

Fire Scene Management. Proper fire scene management is critical in order to promote objectives consistent with the statutory mandates concerning the investigation into the cause, origin and circumstances of any fire or explosion. The level of Bureau of Investigation and Enforcement assistance to be provided in the belated investigation of a fire or at a fire scene, which has lost integrity, shall be limited to informational assistance. Further investigative assistance may be provided at the discretion of the Bureau of Investigation and Enforcement supervisor. The following steps should be taken in order to maintain control of the fire scene and prevent the intentional or unintentional destruction of evidence or contamination of a fire scene.

- A. The local fire official or incident commander should routinely deny fire scene access to anyone other than public safety investigators or firefighters remaining on scene for the prevention of fire rekindling.
- B. All requests for scene entry of a non-emergency nature shall be denied until the arrival of OSFM investigators.
- C. Fire scene security shall remain the responsibility of the local fire official except in cases where arson or another major crime is evident. In such cases, crime scene security shall be coordinated with the local police department or state police troop or unit.

Insurance Company Representatives and Private Investigators. A positive working relationship is mutually beneficial to law enforcement, insurance company representatives and private investigators. Private industry can often provide and expediently deliver many resources helpful in the investigation into the cause and origin of a fire. The potential for any subsequent criminal prosecution resulting from the findings of the investigation must be weighed against these additional resources that typically remain available later. Established law enforcement practice dictates that **access to the scene must be minimized** in order to prevent the contamination of the scene, destruction of evidence, and the maintenance of a definite chain of custody for any evidence uncovered. Therefore, consistent with proper fire scene management, at all fire scenes under the direction and control of the local fire marshal to which the OSFM is providing assistance, insurance company representatives and private investigators shall be denied access to a fire scene until completion of the law enforcement investigation.

Reports and Records. The OSFM assists various local fire marshals, police departments, and state police troops and units throughout the State of Connecticut. Although reporting procedures vary among jurisdictions, the investigative reports prepared by Bureau of Investigation and Enforcement investigators will be consistent with the Reports and Records practices of the Department of Public Safety. Any action performed by members of the OSFM resulting from a request for assistance will be documented by a complete and accurate written report. After supervisory review, a copy of the investigative report will be forwarded to the agency assisted under cover letter from that Bureau of Investigation and Enforcement supervisor. These reports are forwarded primarily for the purpose of assisting the local fire marshal in fulfilling the statutory mandate under § 29-302 of the Connecticut General Statutes. Reports containing information concerning the investigation of any criminal matter *shall not be released* by the local fire marshal when such disclosure may interfere with a pending investigation. Information relating to an ongoing criminal investigation is to be considered confidential and is additionally exempt from the requirements of access to public records referenced under the Freedom of Information Act, C.G.S. §1-210(b)(3). Therefore, there shall be no disclosure of the contents of such records to any person who is not privileged to such information. Requests from the public for access to the information contained in any report prepared by the Bureau of Investigation and Enforcement shall be directed to the Department of Public Safety, Reports and Records, P.O. Box 2794, Middletown, Connecticut, 06457.